

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ABDUL REHMAN FARRUKH,

Plaintiff,

v.

Case No: 8:20-cv-73-T-33TGW

UNIVERSITY OF SOUTH FLORIDA
BOARD OF TRUSTEES, et al.,

Defendants.

ORDER

This matter comes before the Court upon consideration of United States Magistrate Judge Thomas G. Wilson's Report and Recommendation (Doc. # 30), entered on September 30, 2020, recommending that the Court defer ruling on Plaintiff Abdul Rehman Farrukh's Motion for Leave to Proceed *in forma pauperis* (Doc. # 2) and that his Second Amended Complaint (Doc. # 25) be dismissed without prejudice.

As of the date of this Order, no objections have been filed and the time for filing objections has lapsed. For the reasons that follow, the Court accepts and adopts the Report and Recommendation, defers ruling on Farrukh's Motion, and dismisses the Second Amended Complaint without prejudice.

Discussion

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).


Upon due consideration of the record, including Judge Wilson's Report and Recommendation, the Court adopts the Report and Recommendation and dismisses the Second Amended Complaint without prejudice. The Court agrees with Judge Wilson's well-reasoned findings of fact and conclusions of law.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 30) is **ACCEPTED** and **ADOPTED**.
- (2) The Court **DEFERS RULING** on Plaintiff Abdul Rehman Farrukh's pro se Motion for Leave to Proceed *in forma pauperis* (Doc. # 2) pending an opportunity for Farrukh to file a Third Amended Complaint which states a cognizable claim that complies with the Federal Rules of Civil Procedure.
- (3) Farrukh's Second Amended Complaint (Doc. # 25) is **DISMISSED** without prejudice. Farrukh may file a Third Amended Complaint within 30 days of the date of this Order.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 19th day of October, 2020.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE